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*Office of Campaign and Political Finance*  
*One Ashburton Place, Room 411*  
*Boston, MA 02108*

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### Advisory Opinion

December 31, 2003  
AO-03-09

Marie B. Guerin, Municipal Specialist  
Hampshire Council of Governments  
99 Main Street  
Northampton, MA 01060

Re: Sponsorship of Municipal Conference

Dear Ms. Guerin:

This letter is in response to your recent request for guidance regarding the use of public funds to co-sponsor a municipal conference with a candidate committee.

The Hampshire Council of Governments, the Franklin Regional Council of Governments, and the campaign committee of state Senator Stanley C. Rosenberg wish to co-sponsor a conference for local municipal officials. The conference would consist of a welcome address by Senator Rosenberg, sessions on relevant local government topics and a luncheon with a guest speaker.

The conference's facilitators and panelists include state and local officials, both elected and appointed. All local officials and legislators from Franklin and Hampshire Counties are also invited. The keynote address at the luncheon will concern local government issues. No money is collected for any purpose at the conference.

For the past several years, the conference was sponsored entirely by Senator Rosenberg's campaign committee and the staff of his district office organized the event. This year Senator Rosenberg's Committee does not have the resources to sponsor the event on its own. You have indicated one way it would be possible to proceed with the conference would be to allocate the work and the expense among the candidate and the two government entities. You plan to apportion costs "on a fairly equal basis," with each paying specific expenses directly. You have stated that there would be no joint fund created and no commingling of public and campaign funds.

The Hampshire Council of Governments, which voted to sponsor the conference, is supported by dues and other fees provided by municipalities. Its estimated share of the conference is \$2,500, and

two staff members would probably spend around forty to sixty hours planning the event. You believe that the Franklin Regional Council has also voted to support the event.

QUESTION

May public and campaign resources be used to co-sponsor a conference for local government officials in the manner set forth above?

ANSWER

Yes. Based on the information you have provided, the sponsorship of the municipal conference would not involve the use of public resources for a political purpose, or amount to a campaign expenditure by the Councils to influence the nomination or election of Senator Rosenberg.

In Anderson v. City of Boston, 376 Mass. 178 (1979), the Supreme Judicial Court held that there was no authority in the campaign finance law for a municipality to finance a ballot question campaign with tax revenues. See 376 Mass. at 185-186. As the court explained, the Commonwealth “has a substantial, compelling interest in assuring the fairness of elections and the appearance of fairness in the electoral process.” Id. at 193. It found the legislature properly sought to accomplish this goal by strictly excluding government entities from involvement in the political process, and ruled that “the State government and its various subdivisions should not use public funds to instruct the people, the ultimate authority, how they should vote.” Id. at 194-195.

In conjunction with this opinion, OCPF consistently advises that government entities should not use public resources for political purposes. See IB-91-01. This encompasses all activity intended to influence the results of a state or local election, including expenditures to promote or oppose candidates, political parties, PACs, or ballot questions. In order to determine whether a particular governmental expenditure complies with Anderson, it is necessary to look to the primary purpose of the government agency making the expenditure. See Weld for Governor v. Director of the Office of Campaign and Political Finance, 407 Mass. 761, 770-1 (1990) (the determination of whether something is an “expenditure” or “contribution” for the purposes of the campaign finance law depends on the primary purpose of the activity).

It appears that the primary purpose of the municipal conference is to educate and provide a networking opportunity to local officials, not to promote Senator Rosenberg’s re-election or to provide a benefit to Senator Rosenberg’s campaign committee. Under the circumstances, the Councils’ use of funds and personnel to organize the event would be consistent with Anderson even though the event would also be hosted by Senator Rosenberg’s campaign committee.<sup>1</sup> Because the purpose of the conference is not political, the coordinated activity between the government entities and the Rosenberg Committee would not amount to an in-kind contribution from the Councils to the Committee. Moreover, the fact that each sponsor will pay vendors directly for its share of goods or services will ensure that the Councils are not perceived as making a monetary contribution to the Senator.

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<sup>1</sup> Expenditures by the Rosenberg Committee to sponsor the municipal conference are consistent with the campaign finance law even though the primary purpose of the event is not to promote his election to public office. Chapter 55, Section 6 authorizes a legislative candidate committee to make expenditures for constituent or legislative services, as long as the expenditure is not for the candidate or any individual’s personal use.

Please note that this opinion is issued solely within the context of the Massachusetts campaign finance law and is based on the representations made in your letter and to OCPF's staff. Please contact us in the future if you have further questions regarding any aspect of the campaign finance law.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

MJS:bp